

Attorney Docket # 4925-84CIP

Serial No. **10/091,038**
Reply dated August 25, 2004
Reply to Office Action dated May 28, 2004**REMARKS**

The Office Action dated May 28, 2004 was a verbatim copy of the January 16, 2003 Final Office Action issued to the parent application (App. Ser. No. 09/800,772) of the present continuation-in-part application, except that this Office Action referred to "Claims 1-18" and the January 16, 2003 Final Office Action referred to "Claims 1-28". The present application has 38 claims. More importantly, the claims in the present application do not recite material identical to the claims in the parent application. For example, the limitation mentioned in the third sentence of the present Office Action "that the message may be modified to match the terminal capabilities of the destination terminal of the message" was recited in independent Claim 1 of the parent application, but is **not** recited in any of the independent claims of the present application.

In short, the arguments presented in the May 28, 2004 Office Action are not directed to the claims recited in the present application. As such, there is no need to respond to them.

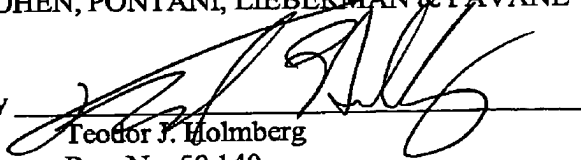
On August 25, 2004, Examiner John Hotaling called and left a message with applicant's representative, returning a previous message from the applicant's representative which had explained that the Office Action was not directed to the claims in the present application. In the message, the Examiner recognized that the Office Action was in error, although he was not sure of the cause, and suggested that we file a response to the present incorrect and inapplicable Office Action "because time is running short". The Examiner further stated that he would issue a non-final office action in response.

Applicants respectfully request that the rejection in the May 28, 2004 be withdrawn, and all of the pending claims be allowed, at least because the independent claims in the present application are patentable over the cited prior art.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By


Teodor J. Holmberg
Reg. No. 50,140
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: August 25, 2004